

Attorney for Defendant
PHILIP T. BRADLEY

NORTHERN DISTRICT OF CALIFORNIA

Room: 15 E

MOTION FOR ADMINISTRATIVE RELIEF TO
PERMIT DEFENDANT TO FILE SUR-REPLY

Defendant Philip T. Bradley ("Defendant") respectfully submits this Administrative Motion for permission to file a Sur-Reply pursuant to Civil Local Rule 7-3(d).

Plaintiff filed a sparse, four-paragraph Motion for Leave to Amend (Doc. 135) on or around December 31, 2012. The filing sought leave to file a claim of breach of NDA against Defendant – a non-signatory to the NDA – without any explanation regarding why a company employee should be liable for the company's contract. The document lacked either a supporting memorandum or declaration.

After Defendant filed an opposition, Plaintiff submitted a reply that, for the first time, offered a theory regarding why Defendant should be liable on the contract of another. As explained in the accompanying Sur-Reply, the theory runs directly counter to California agency law.

Local Civil Rule 7-3(d) requires court approval to file documents relating to motions after the filing of a reply. Because Defendant has not yet had an opportunity to address the theory asserted by Plaintiff and because citations to applicable California law should benefit the Court in its consideration of Plaintiff's motion, he respectfully requests leave to file a Sur-Reply.

Respectfully submitted,

DATED: January 17, 2013

CLAASSEN, Professional Corporation

/s/ John S. Claassen, Esq.

By: _____
 John S. Claassen, Esq.

Attorney for Defendant
 PHILIP T. BRADLEY

Date: January 28, 2013

